

UNITED STATES OF AMERICA,)	CASE NO. 8:13CR137
)	
Plaintiff,)	
)	
v.)	MOTION TO SUPPRESS
)	EVIDENCE AND REQUEST FOR
PATRICK J. KEENAN,)	EVIDENTIARY HEARING AND
)	ORAL ARGUMENT
)	
Defendant.)	

1. On August 17, 2012, Omaha Police Department Officer Holtmeyer conducted a traffic stop of Mr. Keenan's vehicle.

3. The officer ordered Mr. Keenan out of the car and immediately conducted a pat-down search.

5. Officer Holtmeyer reached into Mr. Keenan's pocket and retrieved two baggies containing methamphetamine.

6. There was insufficient evidence to conduct a Terry pat-down search. Assuming the pat-down search was proper, there was insufficient probable cause for Officer Holtmeyer to reach inside Mr. Keenan's pocket. These actions are a violation of the Defendant's Fourth Amendment rights under the United States Constitution.

WHEREFORE, the Defendant requests the Court suppress all evidence obtained from the search of Mr. Keenan's person and unlawful fruits discovered after the search. An evidentiary hearing is necessary to provide sufficient facts for the Court to rule on this motion.

PATRICK J. KEENAN, Defendant,

By: s/ Shannon P. O'Connor
SHANNON P. O'CONNOR
First Assistant Federal Public Defender
222 South 15th Street, Suite 300N
Omaha, NE 68102
(402) 221-7896
Fax: (402) 221-7884
e-mail: shannon_o'connor@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Martin Conboy, IV, Assistant United States Attorney, Omaha, NE.

s/ Shannon P. O'Connor